

OWI AND RELATED ALCOHOL PENALTIES (EFFECTIVE SEPTEMBER 30, 2003) *

* CHART UPDATED MID LEGISLATIVE SESSION, THROUGH 2003 WISCONSIN ACT 30

Conviction	Fine or Forfeiture ⁹	Jail	Suspension or Revocation	Occupational License ¹³	Assessment	Points ¹²
OWI, First ¹⁰ [346.63(1)(a),(b)] (Per se AC ≥ .08) [340.01(46m)(a)]	\$150-\$300 ⁶ [346.65(2)(a)] (plus \$355 OWI surcharge) ⁵ [346.655]		6-9 month revocation ⁶ [343.30(1q)(b)2]	Immediately [343.30(1q)(b)2]	YES ⁵	6
OWI, Second ¹⁰ (Per se AC ≥ .08) [340.01(46m)(b)]	\$350-\$1,100 ⁶ [346.65(2)(b)] (plus \$355 OWI surcharge)	5 days to 6 months ⁶ [346.65(2)(b)]	12-18 month revocation ⁶ [343.30(1q)(b)3] Vehicle immobilized or equipped with IID ⁸	After 60 days ^{2,3} After 12 months if 2 or more offenses within 5 years [343.30(1q)(b)3] [343.307(1)]	YES	6
OWI, Third ¹⁰ (Per se AC ≥ .08) [340.01(46m)(a)]	\$600-\$2,000 ^{6,11} [346.65(2)(c)] (plus \$355 OWI surcharge)	30 days to 1 year ⁶ [346.65(2)(c)]	2-3 year revocation ⁶ [343.30(1q)(b)4] Vehicle immobilized or equipped with IID, or may be seized [346.65(6)(a)1] ⁸	After 90 days ^{2,3,9} After 12 months if 2 or more offenses within 5 years [343.30(1q)(b)4]	YES	6
OWI, Fourth ¹⁰ (Per se AC > .02) [340.01(46m)(c)]	\$600-\$2,000 ^{6,11} [346.65(2)(d)] (plus \$355 OWI surcharge)	60 days to 1 year ⁶ [346.65(2)(d)]	2-3 year revocation ⁶ [343.30(1q)(b)4] Vehicle immobilized or equipped with IID or may be seized ⁸	After 90 days ^{2,3} After 12 months if 2 or more offenses within 5 years [343.30(1q)(b)4]	YES	6
OWI, Fifth or more ¹⁰ (Per se AC > .02) [340.01(46m)(c)]	\$600-\$10,000 ¹¹ [346.65(2)(e)] [939.50(3)(h)] (plus \$355 OWI surcharge)	6 months to 6 years ⁶ imprisonment [346.65(2)(e)] [939.50(3)(h)]	2-3 year revocation ⁶ [343.30(1q)(b)4] Vehicle immobilized or equipped with IID or may be seized ⁸	After 90 days ^{2,3} After 12 months if 2 or more offenses within 5 years [343.30(1q)(b)4]	YES	6
Causing Injury ¹⁰ While OWI [346.63(2)(a)]	\$300-\$2,000 ^{6,11} [346.65(3m)] (plus \$355 OWI surcharge)	30 days to 1 year ⁶ [346.65(3m)]	1-2 year revocation ^{6,8} [343.31(3)(e)]	After 60 days After 12 months if 2 or more offenses within 5 years [343.31(3m)(b)]	YES	6
Causing Great ¹⁰ Bodily Harm by OWI [940.25(1)]	Up to \$25,000 ^{6,7,10,11} [939.50(3)(f)] (plus \$355 OWI surcharge)	Up to 12.5 years ^{6,7,10} imprisonment [939.50(3)(f)]	2 year revocation ^{6,7,8} [343.31(3)(f)]	After 120 days After 12 months if 2 or more offenses within 5 years [343.31(3m)(a)]	YES	6
Homicide While OWI ¹⁰ [940.09(1)]	Up to \$100,000 ^{6,7,10,11} [939.50(3)(c),(d)] (plus \$355 OWI surcharge)	Up to 25 years or, ^{6,7,10} if one or more prior OWI-related offense, up to 40 years [930.50(3)(c),(d)]	5 year or 10 year revocation ⁸ [343.31(3)(c)]	After 120 days After 12 months if 2 or more offenses within 5 years [343.31(3m)(a)]	YES	6
Chemical Test Refusal (First) [343.305(9)]			1 year revocation ⁶ [343.305(10)(b)2]	After 30 days [343.305(10)(b)2]	YES	0
Chemical Test Refusal (Second) ¹ [343.305(9)]			2 year revocation ^{6,8} [343.305(10)(b)3]	After 90 days ³ After 12 months if 2 or more offenses within 5 years [343.305(10)(b)3]	YES	0
Chemical Test Refusal (Third or greater) ¹ [343.305(9)]			3 year revocation ^{6,8} [343.305(10)(b)4]	After 120 days ³ After 12 months if 2 or more offenses within 5 years [343.305(10)(b)4]	YES	0
Administrative Suspension for Prohibited Alcohol Concentration [343.305(7)]			6 month suspension [343.305(7)(a)]	Immediately [343.305(8)(d)]	NO	0
Open Container (Driver or passenger) ¹⁴ [346.935]	\$100 [346.95(2m)]					0

¹ Generally, second offenses are counted within a 10-year period. Third and subsequent are counted within an individual's lifetime dating back to 1/1/89. [346.65(2)(b)-(e), 343.305(10)(b)3-4, 1997 Wis. Act 237- s. 9348(2f)] The 10-year and lifetime periods are measured from the date of refusal or violation that resulted in conviction. [346.65(2c)]

² Absolute sobriety is mandatory for an occupational license for persons with two or more suspensions, revocations or convictions. [343.10(5)(a)(2)]

³ Persons with 2 or more suspensions, revocations or convictions counted under 343.307(1), must complete assessment and be in compliance with a driver safety plan to be eligible for an occupational license. [343.10(2)(e), 343.30(1q)(b)3 and 4]

⁴ If repeat offender, court may immobilize, equip with an ignition interlock device (IID) or seize vehicle. [940.09(1d), 940.25(1d)]

⁵ No OWI surcharge and no assessment of offender's alcohol or controlled substance use for first offense prohibited alcohol content [346.63(1)(b)] if AC ≥ .08 and < .10. An OWI surcharge and an assessment are required for all first prohibited alcohol convictions where AC ≥ .10 and for all first OWI convictions. [346.65(1), 343.30(1q)(c)1]

⁶ Fines, forfeitures, jail and revocation/suspension penalties are doubled for a person convicted of OWI when a person under 16 years of age was in the vehicle at the time of the offense. [346.65(2)(f) and (2)(g)(d), 343.30(1q)(b)4m, 343.305(10)(b)4m, 343.31(3)(f), 940.25(1)(bm)] For third and subsequent OWI offenses, fines are increased according to AC. [346.65(2)]

⁷ Fines, forfeitures, jail, and revocations or suspensions are doubled if a pregnant woman is in the vehicle at the time the driver committed the offense. [343.31(3)(c)(f)]

⁸ The vehicle owned by the offender and used in the offense may be immobilized or equipped with IID or the offender's operating privileges may be restricted to vehicles equipped with IID. [343.301(1)(a) and (2)(a)] For second or subsequent offenses, if there are 2 or more enumerated offenses committed within any 5 years such operating privilege restrictions are mandatory and all vehicles titled or registered in the offenders' name must be immobilized or equipped with IID. [343.301(1)(a) and (2)(a), 343.305(10m)] For third or subsequent the vehicle may be seized and forfeited. [346.65(6)(a)1]

⁹ Additional fees, assessments and surcharges will also apply except for first OWI offense where AC ≥ .08 and < .10 [814.65(1), 814.634(1)(a), 814.635(1)]

¹⁰ If offense is committed while operating a commercial motor vehicle, then penalties will include a 1 year CDL disqualification (3 year disqualification if transporting hazardous materials, or lifetime disqualification for 2nd or subsequent OWI). [343.315(2)(a)(b)(c)]

¹¹ For third or subsequent OWI offenses, fines are increased according to AC. [346.65(2)(g)]

¹² For the scale of demerit points for all traffic violations, see Trans 101.02, Wisconsin Administrative Code, and 343.32(2); newly licensed and unlicensed drivers may be subject to increased demerit points. [343.32(2)(bc)]

¹³ Persons whose operating privileges have been suspended or revoked may apply for an occupational license to drive between home and work or school. [343.10]

¹⁴ Both drivers and passengers can be ticketed for the presence of an unsealed container of an intoxicating beverage in the passenger compartment of a vehicle. [346.935]